

HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

BOARD OF TRUSTEES OF THE EMPLOYEE  
PAINTERS' TRUST; BOARD OF TRUSTEES  
OF THE WESTERN WASHINGTON  
PAINTERS DEFINED CONTRIBUTION  
PENSION TRUST; BOARD OF TRUSTEES  
OF THE DISTRICT COUNCIL NO. 5  
APPRENTICESHIP AND TRAINING TRUST  
FUND; BOARD OF TRUSTEES OF THE  
INTERNATIONAL PAINTERS AND ALLIED  
TRADES INDUSTRY PENSION FUND;  
BOARD OF TRUSTEES OF THE FINISHING  
TRADES INSTITUTE; THE PAINTERS AND  
ALLIED TRADES LABOR-MANAGEMENT  
COOPERATION INITIATIVE; WESTERN  
WASHINGTON SIGNATORY PAINTING  
EMPLOYERS ASSOCIATION;  
INTERNATIONAL UNION OF PAINTERS  
AND ALLIED TRADES DISTRICT COUNCIL  
NO. 5,

Plaintiffs,

vs.

GLOBAL COATINGS LLC, a Washington  
limited liability company; MARK ANDREW  
MCCALMAN, an individual; DOES & ROES I-  
X,

Defendants.

CASE NO.: 2:22-cv-01645-JHC

**STIPULATION AND ORDER TO  
EXTEND STAY OF CASE PENDING  
COMPLETION OF A PAYROLL  
COMPLIANCE AUDIT**

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PAYROLL COMPLIANCE AUDIT  
Case No. 2:22-cv-01645-JHC

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2 The Plaintiffs, Board of Trustees of The Employee Painters' Trust, Board of Trustees of  
3 The Western Washington Painters Defined Contribution Pension Trust, Board of Trustees of The  
4 District Council No. 5 Apprenticeship and Training Trust Fund, Board of Trustees of The  
5 International Painters and Allied Trades Industry Pension Fund, Board of Trustees of The  
6 Finishing Trades Institute, The Painters and Allied Trades Labor-Management Cooperation  
7 Initiative, Western Washington Signatory Painting Employers Association, International Union  
8 of Painters and Allied Trades District Council No. 5 ("Plaintiffs"), acting by and through their  
9 Counsel, Christensen James & Martin and The Urban law Firm, and Defendants, Global Coatings  
10 LLC, a Washington limited liability company and Mark Andrew McCalman, an individual  
11 ("Defendants"), acting by and through their Counsel, Gordon Thomas Honeywell LLP, hereby  
12 stipulate as follows:

13 1. The Plaintiffs, as employee benefit trust funds governed by the Employee  
14 Retirement Income Security Act ("ERISA"), have alleged the right to review the employment,  
15 payroll, and contract records of contributing employers, such as Defendant Global Coatings LLC,  
16 to ensure compliance with the terms and conditions of applicable collective bargaining  
17 agreements and trust agreements. Such a payroll compliance review is commonly called an  
18 "Audit."

19 2. Defendants previously agreed to provide Plaintiffs' Auditor with the labor and  
20 financial records requested by Plaintiffs' Counsel and further agreed to cooperate with any other  
21 reasonable request by the Auditor for additional records that the Auditor deems necessary to  
22 complete the audit for the period of November 1, 2017 through the present ("Audit Period");

23 3. The Parties previously Stipulated to a 90-day stay of litigation to allow completion  
24 of the Audit, which Stipulation was approved by the Court on February 2, 2023.

1           4.       The Parties are presently engaged in the process of completing the Audit;  
2 preliminary Audit results have been drafted and shared, and the Parties are working  
3 collaboratively to address a number of issues related to the Audit, which should be completed  
4 before the Parties proceed in litigation;

5           5.       The Parties agree that the deadline for Defendants to file an answer or responsive  
6 pleading and all other case deadlines shall be stayed for ninety (90) days from the date of entry  
7 of the Order on this on this Stipulation to allow time for the Audit to be completed and to resolve  
8 any outstanding issues related to the preliminary Audit results;

9           6.       At the end of the stay, the parties will file a joint status report to update the Court  
10 on the status of the audit and whether the case will proceed to discovery; and

11           7.       The stay does not apply to any motions that may be brought by Plaintiffs to compel  
12 compliance with this Stipulation or the disclosure of necessary information should the Defendants  
13 fail to cooperate in completing the Audit;

14           8.       This Stipulation is made to avoid protracted litigation with accompanying costs  
15 and is not an admission of liability, waiver of defenses, or modification of any collective  
16 bargaining agreement or trust agreement on the part of any party

17  
18 DATED this 3rd day of May, 2023.

DATED this 3rd day of May, 2023.

19 CHRISTENSEN JAMES & MARTIN

GORDON THOMAS HONEYWELL LLP

20 By: /s/ Wesley J. Smith  
21 Wesley J. Smith, Esq.  
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*Counsel for the Plaintiffs*

**ORDER**

Good Cause Appearing, Defendants Global Coatings LLC and Mark Andrew McCalman, shall continue to submit to and cooperate with the audit in accordance with the foregoing Stipulation, and all Parties shall continue to work collaboratively to address any outstanding issues presented in the preliminary Audit findings so that a final Audit may be completed. This Case and all deadlines shall be extended and stayed for a period of ninety (90) days in accordance with the Stipulation. All other provisions of the Stipulation are also approved and Ordered.

DATED this 3rd day of May, 2023.

  
HONORABLE JOHN H. CHUN  
United States District Judge

Presented by:

CHRISTENSEN JAMES & MARTIN

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